

Pines and Associates  
Michael T. Pines, SBN #77771  
701 Palomar Airport Rd., Ste. 300  
Carlsbad, Ca. 92011  
Telephone: (760) 453-0131  
Facsimile: (760) 301-0093  
michaelpines@gmail.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Anthony, Marc & Marla	)	
Aguirre, Carlos	)	CASE NO: <u>'11CV0740 BEN WVG</u>
Biggins, Jeffrey	)	
Bolanos, Emiliano & Gloria	)	COMPLAINT AND DEMAND FOR
Butler, Robert & Carrie	)	JURY TRIAL
Close, Donald & Patti	)	
Coronado, Ricardo & Estella	)	
De La Torre, Manuel & Marcia	)	
Dougherty, Paul	)	
Earl, Jim & Danielle	)	
Earl, Dan & Rachel	)	
Edwards, Randall & Betty Sue	)	
Evans, Richard	)	
Felix, Ruben	)	
Giorgi, Gregory	)	
Gonsalves, Mary	)	
Halajian, Barry	)	
Hekhamenesh, Jahangir	)	
Hirou, Timothy & Nora	)	
Hughes, Paul	)	
Ivar, Illiyun	)	
Klein, Monica	)	
Combs, Chris	)	
Koulinich, Oksana	)	
Kreitzer, David & Debra	)	
Kuehl, Pat	)	
Mata, Luz	)	
McVay, Michael	)	

1	Mitchell, Jon	)
2	Morthel, Emily	)
3	Munoz, Jose & Linda	)
4	Naranjo, Thomas	)
5	Nasirova, Valida	)
6	Osbourne, Gloria	)
7	Parisi, Joseph	)
8	Powers, Michelle	)
9	Reth, Karl	)
10	Rhodes, Lynette	)
11	Rocha, Eva	)
12	Salcedo, Horatio & Isabel	)
13	Scott, Marvin	)
14	Stewart, Aubree	)
15	Tarsha, nancy	)
16	Tippit, Carl & Alicia	)
17	Turney, Wendy	)
18	Valenzuela, Sara	)
19	Washington, James & Giselle	)
20	Whitney, Judy	)
21	Yarpezeshkan, Hassan & Maryam	)
22	Zepeda, Jacob	)
23	Zepeda, Rene	)
24	Giovanna Miamone	)
25	Cara Templin	)
26		)
27	Plaintiffs,	)
		)
	vs.	)
		)
	Leslie Gladstone, Tiffany Carroll, Gary	)
	Slater, David Ortiz	)
		)
	Defendants.	)

## GENERAL ALLEGATIONS

1. Christian McLaughlin (“Mclaughlin”) is an inexperienced and relatively new attorney. He has a live in girl friend, Lisa De Benedittis (“De

- 1           Benedittis”) that is mentally unstable and filled with hate and  
2           vindictiveness toward the world. They conspire to violate federal and  
3           state laws trying to use McLaughlin’s knowledge of the law to avoid  
4           adverse consequences.
- 5       2.    Defendants aided and abetted them in their criminal activities specifically  
6           including but not limited to breaking, entering, and looting the law office  
7           of Pines and Associates, and stealing confidential attorney-client  
8           information and other highly confidential information that is considered  
9           “identity theft”.
- 10     3.    Michael T. Pines (“Pines”) is an attorney known to be one of the few  
11           experts in the legal issues involved in the current foreclosure crisis.  
12           Pines shared office space with McLaughlin and worked with him in  
13           connection with McLaughlin’s law firm “Legal Objective” for a period of  
14           time. Pines invited McLaughlin to participate in legal seminars as a  
15           presenter. McLaughlin eagerly did so admitting it would be a great  
16           opportunity to be associated with someone with Pine’s experience.
- 17     4.    Pines discovered that De Benedittis was mentally unstable, dishonest  
18           and was engaging in unlawful activity so decided to dissolve the  
19           relationship with McLaughlin. Pines created his own new law firm  
20           “Pines and Associates”.
- 21     5.    Ever since separating, Defendants have been on a continuous campaign  
22           to interfere with Pines’ law practice, legal education business, harassing  
23           him, his legal clients, his employees, and people Pines does business  
24           with.
- 25     6.    This included an assault on an assistant. The police did an investigation  
26           and De Benedittis was arrested and placed into custody. In harassing  
27           Pines, Defendants have used electronic means in violation of federal law.

- 1 7. Pines had filed personal bankruptcy to reorganize his real estate affairs.
- 2 8. Pines formed Pines and Associates, APC after the bankruptcy Petition
- 3 was filed.
- 4 9. Pines formed Precedent Legal Systems a separate company after the
- 5 bankruptcy Petition was filed in order to get a “fresh start” with P&A and
- 6 Precedent in new businesses.
- 7 10. P & A and Precedent occupied a building (“Building”) owned by Pines,
- 8 which they were maintaining by paying all expenses for the building and
- 9 managing tenants at no cost.
- 10 11. Leslie Gladstone was appointed bankruptcy trustee and Gary Slater her
- 11 counsel.
- 12 12. McLaughlin and De Benedittis solicited Slater and Gladstone to
- 13 participate in a criminal scheme and Slater and Gladstone agreed and
- 14 conspired to harm Pines, P&A, Precedent, and Plaintiffs.
- 15 13. Gladstone obtained a court order for a Writ of Possession in the
- 16 bankruptcy court which specifically did NOT include any personal
- 17 property at all, or property of P&A or Precedent (as noted by the judge on
- 18 the record.)
- 19 14. On or about January 15, 2011, McLaughlin, De Benedittis, Gladstone and
- 20 Slater went to the Building, and used law enforcement to evict P&A and
- 21 Precedent. (McLaughlin, De Benedittis, Gladstone, and Slater are
- 22 collectively “Conspirators”).
- 23 15. Conspirators changed the locks, removed property belonging to Pines
- 24 including confidential information which would be considered “Identity
- 25 Theft”, the property Plaintiffs, of Pines and Associates, APC., that was
- 26 not property of the bankruptcy estate, and the property of Precedent that
- 27 was not part of the bankruptcy estate, and vandalized the property.

- 1 16. Conspirators took the computer server P&A used to practice law,  
2 confidential client files, and property belonging to clients, employees and  
3 other third persons, thereby crippling P & A's ability to practice law.  
4 Filing deadlines were missed, court appearances were missed, and  
5 communications with clients were cut off, causing P & A and Precedent  
6 and legal clients severe damage.
- 7 17. Conspirators locked out tenants at the building including a school for  
8 teaching Spanish to young children and a Sprint cell phone site which  
9 also was not included by the bankruptcy court in it's order.
- 10 18. De Bedenetittis spends most of her day contacting people P&A and  
11 Precedent do business with to try and interfere with the business of them  
12 by attacking them on the Internet and has for a long time.
- 13 19. Defendants and each of them aided and abetted in these criminal acts by  
14 McLaughlin and De Benedittis based on false claims by McLaughlin and  
15 De Benedittis but rather than investigate and prosecute them for their  
16 criminal acts, they engaged in an ongoing pattern to aid and abet them  
17 even long after they had knowledge of their criminal conduct, and even  
18 after De Benedittis was arrested in their presence.

19 **JURISDICTION AND VENUE**

- 20 20. The Federal Court has subject matter jurisdiction based upon federal  
21 questions under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030  
22 ("CFAA ")and other federal statutes.
- 23 21. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2), in that  
24 all, or a substantial part, of the events giving rise to the claims asserted  
25 herein occurred in this judicial district.
- 26 22. This Court has personal jurisdiction over the parties as all Defendants  
27 engage in business within the State of California, County of San Diego,

1 and thus have sufficient contacts.

2 **23.** This court has pendent jurisdiction over state claims.

3 **PARTIES**

4 **24.** Plaintiffs are all legal clients or employees of Pines and Associates  
5 residing in California. Additional Plaintiffs will be added as they are  
6 processed.

7 **25.** Defendant Leslie Gladstone is an attorney doing business in and a  
8 resident of San Diego, California.

9 **26.** Defendant Gary Slater is an attorney doing business in and a resident of  
10 San Diego, California.

11 **27.** Defendant David Ortiz is an attorney doing business in and a resident of  
12 San Diego, California.

13 **28.** Defendant Tiffany Carroll is an attorney doing business in and a resident  
14 of San Diego, California.

15 **FACTUAL ALLEGATIONS**

16 **29.** In about June of 2009, McLaughlin, a relatively new attorney, requested  
17 Pines enter into a relationship to consult and help him in the practice of  
18 law. McLaughlin had a law practice he called Legal Objective.

19 **30.** At that time, Pines was not actively practicing and was a professional real  
20 estate investor.

21 **31.** McLaughlin represented that he was newly licensed to practice law, had  
22 been practicing bankruptcy law with, and under the auspices of, a more  
23 experienced bankruptcy attorney and been doing loan modifications in a  
24 manner he believed was unethical and possibly unlawful and wanted  
25 Pines' help.

26 **32.** McLaughlin stated and promised he was in the process of returning all  
27 fees charged to loan modification clients to correct the unethical behavior

- 1 so that he hoped none would complain to the State Bar.
- 2 33. Since that time, a new statute was passed that would in fact have made
- 3 McLaughlin's practice specifically illegal and unethical.
- 4 34. Pines does not know if McLaughlin has returned all the money to his
- 5 former clients.
- 6 35. McLaughlin stated he wanted to be involved with Pines to try and learn
- 7 how to practice law and would use his best efforts to support the law
- 8 practice by handling routine Chapter 7 and 13 bankruptcies which was all
- 9 he felt competent to do while he tried to learn from Pines and would
- 10 assist when he could in foreclosure defense and debt relief by other
- 11 means including litigation.
- 12 36. Since Pines was not practicing law, McLaughlin offered to add Pines to
- 13 his existing professional liability policy, use the name "Legal Objective"
- 14 for the new venture, and provide a few computers and some office
- 15 furniture to induce Pines to work with him.
- 16 37. Pines owned an office building in Encinitas ("Office") which Pines said
- 17 could be used at least temporarily to operate the business. Pines agreed to
- 18 help McLaughlin and contribute his experience, expertise, and by
- 19 contributing some capital but only part time so Pines could continue to
- 20 operate his real estate business.
- 21 38. McLaughlin agreed to devote his full time, energy, and work to the
- 22 venture, and to deposit any and all fees earned from practicing law into a
- 23 joint bank account for use to pay expenses and at such time as net profits
- 24 were earned to share them with Pines in a manner that was fair and
- 25 equitable given Pines experience and expertise. McLaughlin was quick to
- 26 include Pines in the professional liability policy.
- 27 39. Shortly after commencing business in the joint venture Pines was

1 contacted by the Chairman of the San Diego County Bar Real Estate  
2 Committee and asked to provide a continuing education course for  
3 attorneys on the area of foreclosure defense and debt relief and Pines  
4 agreed.

5 40. A program ("Program") was planned and held at the San Diego County  
6 Bar in September 2009, under the name Legal Objective since that was  
7 the name McLaughlin had convinced Pines to use temporarily for  
8 anything related to the practice of law or the Program since that was what  
9 the professional liability policy was connected to.

10 41. Prior to that time the name Legal Objective had no significance except it  
11 had been advertised as a bankruptcy and loan modification company and  
12 had a poor reputation if any which Pines hoped he could help  
13 McLaughlin improve.

14 42. Pines planned, and wrote the vast majority of the materials for the  
15 Program, and Pines managed the Program, including obtaining approval  
16 from the State Bar for continuing education for attorneys, with only some  
17 small amount of help from McLaughlin who asked to write the written  
18 materials for, and speak about bankruptcy and loan modifications as it  
19 related to the current real estate crisis.

20 43. Pines was the leader of the Program and spoke for the vast majority of  
21 the time at the Program.

22 44. Surprisingly, over 200 attorneys attended the Program and praised it  
23 highly, especially Pines. Pines began to realize there appeared to be a  
24 great need for his experience, expertise, and for legal education in this  
25 area of the law.

26 45. Pines decided to further provide legal education in the area of foreclosure  
27 defense and debt relief McLaughlin asked if he could remain involved.



- 1 46. Pines also decided to take responsibility for a few clients and represent  
2 them in disputed foreclosure defense including clients by the name of  
3 Carder, Quintero, Kuehl, and Bohl. Carder, Quintero, and Bohl were  
4 initiated through McLaughlin. Kuehl was initiated through Pines.  
5 McLaughlin also requested Pines help him with other cases referred to  
6 him.
- 7 47. It was made clear to the clients that Pines would take the lead in  
8 representing them and that McLaughlin could not due to his lack of  
9 experience in litigation.
- 10 48. Pines asked McLaughlin to perform some relatively simple tasks related  
11 to the clients' cases and his work was far below the standards of any  
12 attorney purporting to have experience and expertise in litigation so  
13 requested that McLaughlin refrain from being directly involved further,  
14 which he said he would due to his lack of experience and the danger of  
15 damaging clients.
- 16 49. Pines associated attorneys who were experienced litigators to help with  
17 those cases. McLaughlin had never known these people before Pines got  
18 them involved.
- 19 50. Pines took the lead in representing the clients in any and all litigation.  
20 McLaughlin has had no significant involvement, as he would be  
21 incompetent to do so due to his lack of experience. He did not make any  
22 court appearances asking Pines to do so.
- 23 51. Pines also took the lead in planning and running continuing education  
24 events for attorneys and others at Chapman College School of Law,  
25 U.S.C. School of Law, and U.C. Davis School of Law.
- 26 52. Pines began to work with the only other experts he could find in this area  
27 of law, including doing a radio show and other things which furthered the

1 reputation of Pines whose name was now associated with Legal  
2 Objective due to the insistence of McLaughlin. McLaughlin had no  
3 involvement with this whatsoever. Pines was becoming a public figure  
4 which has continued and expanded greatly to date.

5 53. After it became clear that this could be a profitable opportunity, and  
6 Pines was becoming a public figure, McLaughlin and De Benedittis  
7 began to plan to steal the opportunity for themselves. Without Pines'  
8 prior knowledge or consent, McLaughlin got De Benedittis involved  
9 claiming she could help with marketing and she did so, while taking as  
10 much information as she could to further the conspiracy to convert the  
11 opportunity for the sole benefit of herself and McLaughlin.

12 54. McLaughlin began to demand that have equal authority and involvement  
13 in planning coordinating and sharing revenues from the Programs.

14 55. Pines would not agree explaining that McLaughlin did not have nearly  
15 the experience or expertise needed and that to the extent he had tried to  
16 help with handling the client cases and the Programs; he had done more  
17 harm than good.

18 56. McLaughlin freely admitted to Pines that De Bedenittis was good at acts  
19 constituting "cyber crime" and bragged about it, showing Pines an  
20 example. He also stated she controlled him personally and he feared her.

21 57. Pines stated that they would have to part ways and hoped McLaughlin  
22 would cooperate in an orderly, and professional accounting and  
23 dissolution of Legal Objective. McLaughlin said he would.

24 58. However, McLaughlin and De Benedittis had already been planning to  
25 steal as much as they could for their sole and exclusive benefit. Pines  
26 requested the bookkeeper prepare an accounting and then meet with  
27 McLaughlin and Pines to begin the process of dissolution and scheduled

- 1 a meeting to discuss it with McLaughlin.
- 2 59. If a final mutually agreeable dissolution and settlement could occur,
- 3 Pines stated McLaughlin might be able to continue using the name Legal
- 4 Objective instead of dissolving it; however, Pines wanted to distance
- 5 himself from this name since it might be more associated with
- 6 McLaughlin who had been previously used the name Legal Objective,
- 7 and McLaughlin was incompetent in the area of foreclosure defense and
- 8 debt relief and Pines no longer wanted his name associated with
- 9 McLaughlin or Legal Objective in any way.
- 10 60. Pines further stated McLaughlin could continue to stay in Pines' Office
- 11 until the dissolution was complete.
- 12 61. McLaughlin and De Benedittis then sped up their action their plan to
- 13 steal as much of the business opportunity as they could which is ongoing
- 14 as of the time of filing this complaint.
- 15 62. McLaughlin missed the meeting with the bookkeeper.
- 16 63. McLaughlin and De Benedittis convinced two key employees, Bossworth
- 17 and Novak to leave and work exclusively for them as well as Defendant
- 18 Baker an attorney. McLaughlin and De Benedittis removed Pines from
- 19 the malpractice insurance.
- 20 64. At the time, Pines was representing Carder. McLaughlin began to try and
- 21 take over the representation of Carder on his own, excluding Pines from
- 22 involvement. McLaughlin insisted on also taking over the representation
- 23 of the other legal clients named above except Kuehl. Pines tried to
- 24 inform the clients it was their decision, but McLaughlin interfered
- 25 making false and defamatory statements so Pines withdrew from the
- 26 cases except Kuehl who elected to stay with Pines.
- 27 65. McLaughlin stated they rented new office space and refused to provide

- 1 Pines with the address, so they could conceal their activities. They  
2 published a false office address on the Internet for Legal Objective.
- 3 66. McLaughlin told Pines he was moving out but did not tell him he planned  
4 to take any and all assets belonging to Legal Objective and the joint  
5 venture including all written materials, and other items related to the  
6 Programs for himself and do Programs on his own. McLaughlin stated it  
7 was his position that legally he was entitled to the exclusive right of all  
8 property at the Office because activities had been conducted under the  
9 name Legal Objective which Pines had no right to.
- 10 67. When Pines found out about McLaughlin's plans, he locked down the  
11 computers to try and prevent McLaughlin from stealing the software and  
12 data.
- 13 68. McLaughlin found out about this and called the police.
- 14 69. The police came and McLaughlin made many false statements which are  
15 included in the police incident reports. The police told McLaughlin to  
16 leave and would supervise his taking property he claimed belonged to  
17 him to keep the peace. McLaughlin took property belonging to Pines.
- 18 70. Pines objected to many of the items and tried to explain that none of the  
19 items belonged exclusively to McLaughlin, but had no choice but to  
20 allow removal of the items from the office.
- 21 71. McLaughlin filed a false police report trying to have Pines arrested and  
22 has done so at other times since then.
- 23 72. McLaughlin shut Pines out of e-mail, and telephone and removed as  
24 much of the written materials books, software and data as he could and  
25 has continued with his efforts to exclude Pines from such to the extent he  
26 could and has demanded that Pines not use them himself.
- 27 73. Pines gave clients of Legal Objective notice he could no longer represent

1           them.

2       74.   De Benedittis filed several applications for harassment restraining orders  
3           against Pines and his employees containing false and outrageous  
4           statements.

5       75.   De Benedittis frequently defamed Pines on the Internet and elsewhere  
6           making false, outrageous, and often using highly offensive language.

7       76.   De Benedittis continually contacts clients and business associates of  
8           P&A and Precedent and makes false and misleading statements, often  
9           containing foul language.

10      77.   McLaughlin had stated that he and De Benedittis conceal their home  
11           address at all times to avoid being served with legal process and to hide  
12           their unlawful activities.

13      78.   De Benedittis followed Pines and an employee to a Program, ran into the  
14           room and circulated the defamatory material and ran before the police  
15           arrived.

16      79.   After this, Pines filed bankruptcy to reorganize his own real estate affairs.

17      80.   De Benedittis and McLaughlin began appearing at bankruptcy hearings  
18           to harass Pines and convinced Defendants to aid and abet them in their  
19           criminal activity.

20      81.   De Benedittis and McLaughlin solicited Leslie Gladstone a bankruptcy  
21           trustee and Gary Slater, her attorney to become involved in their  
22           conspiracy to harm Pines, Pines and Associates, Legal Precedent, and  
23           others and they agreed.

24      82.   At a "341(a) hearing, De Benedittis appeared and assaulted Pines'  
25           assistant, Plaintiff, Giovana Miamone, and was arrested.

26      83.   In conspiracy with McLaughlin and De Benedittis, Gladstone and Slater  
27           then obtained a court order for a Writ of Possession ("Writ") for the

Building.

84. The Court ordered the Writ to be recalled pending further proceedings.

85. Instead, on or about January 15, 2011, they used the Writ to evict P&A and Precedent from the Building and steal all personal property at the Building. They also locked out the tenants in the Building.

86. The next day, De Benedittis and McLaughlin appeared at the Office with a moving company.

87. Pines called the police. Prior to the arrival of the police, an employee of the moving company threatened Pines and also the Bankruptcy judge vowing revenge if he was arrested. He stated he was acting under the direction and control of the Defendants who had him “under contract”.

88. He assaulted Pines by shoving a hand truck at him. The San Diego County Sheriff incident report is S 8910597.

89. Throughout the three day weekend, Defendants looted the Building, stealing the computer server, confidential attorney-client files, confidential employee information, and other confidential information that is considered “identity theft”, and prevented P&A from performing essential tasks for clients thereafter.

90. Court deadlines were missed, court appearances were missed, and legal clients of P&A were severely damaged.

91. Thereafter, McLaughlin and De Benedittis used the Carlsbad Police to harass and arrest Pines numerous times making false police reports.

92. As a result of said defendants’ misconduct, Plaintiffs are entitled to declaratory and injunctive relief preventing said defendants from using property belonging to, including but not limited to the use of e-mail, telephones, legal files, and interfering with Plaintiffs’ use of any property including confidential information.

- 1 93. McLaughlin and De Benedittis are currently under criminal investigation  
2 by the Carlsbad Police, case #11-01573. However, even while this  
3 investigation was and is pending, certain other Defendants at the  
4 Carlsbad Police continued to harass Pines at the prompting of  
5 McLaughlin and De Benedittis in a classic case of “the right hand not  
6 knowing what the left is doing”.

7  
8 **FIRST CAUSE OF ACTION**

9 **(Violation of The FAA Against All Defendants)**

- 10 94. Plaintiffs re-allege and incorporate herein by reference each and every  
11 allegation contained above of the Complaint as though set forth in full.  
12 95. The CFAA generally prohibits (1) the unauthorized accessing (2) of a  
13 “protected” computer (3) with the intent either (a) to obtain information,  
14 (b) to further a fraud, or (c) to damage the computer or its data.  
15 96. The Defendants and each of them, unlawfully stole the computers from  
16 Pines and Associates office, copied the hard drives, distributed the  
17 information to McLaughlin and De Benedittis who in turn have used it  
18 extensively to harass, defraud, and defame Plaintiffs and have failed and  
19 refused to return or destroy the information and copies thereof.  
20 97. As a result, Plaintiffs have sustained damages far in excess of \$5000  
21 entitling Plaintiffs to damages, declaratory relief, injunctive relief and  
22 punitive damages.

23 **SECOND CAUSE OF ACTION**

24 **(Conversion As Against All Defendants)**

- 25 98. Plaintiffs re-allege and incorporate herein by reference each and every  
26 allegation contained above of the Complaint as though set forth in full.  
27 99. Defendants and each of them have aided and abetted in wrongfully

1 converting to their own use property belonging to Plaintiffs, Pines, P&A,  
2 and Precedent, and have wrongfully and intentionally excluded them  
3 from use.

- 4 100. As a result, Plaintiffs have sustained damages far in excess of \$5000  
5 entitling Plaintiffs to damages, declaratory relief, injunctive relief and  
6 punitive damages.

7  
8 **THIRD CAUSE OF ACTION**

9 **(Trespass As Against All Defendants)**

- 10 101. Plaintiffs re-allege and incorporate herein by reference each and every  
11 allegation contained above of the Complaint as though set forth in full.

- 12 102. Defendants and each of them aided and abetted McLaughlin and De  
13 Benedittis in entering into the Building without any proper legal  
14 authority to do so.

- 15 103. As a result, Plaintiffs have sustained damages far in excess of \$5000  
16 entitling Plaintiffs to damages, declaratory relief, injunctive relief and  
17 punitive damages.

18 **FOURTH CAUSE OF ACTION**

19 **(Defamation Against All Defendants)**

- 20 104. Plaintiffs re-allege and incorporate herein by reference each and every  
21 allegation contained above of the Complaint as though set forth in full.

- 22 105. Defendants and each of them aided and abetted McLaughlin and De  
23 Benedittis in making false statements verbally and in writing and  
24 publicized such false statements to third persons and on the Internet.

- 25 106. As a result, Plaintiffs have sustained damages far in excess of \$5000  
26 entitling Plaintiffs to damages, declaratory relief, injunctive relief and  
27 punitive damages.



**TENTH CAUSE OF ACTION**  
**FRAUD**  
**(As Against All Defendants)**

107. On or about March 11, 12, 13, McLaughlin and De Benedittis created an e-mail account entitled [mpines@yahoo.com](mailto:mpines@yahoo.com) to give the impression e-mails from the address would be sent by Plaintiff.

108. Thereafter, McLaghlin and De Benedittis have continued to create false identities for e-mails and on the Internet to harass and damage Plaintiffs and Defendants have and continue to aid and abet them.

109. As a result, Plaintiffs have sustained damages far in excess of \$5000 entitling Plaintiffs to damages, declaratory relief, injunctive relief and punitive damages.

WHEREFORE, Plaintiffs pray as follows:

1. For compensatory damages according to proof;
2. For special damages in excess of \$5,000,000 according to proof;
3. For punitive and exemplary damages according to proof;
4. For temporary and permanent injunctive relief;
5. For Declaratory Relief concerning the respective rights, obligations and duties of the parties concerning the confidential information stolen by Defendants.
7. For interest to the extent allowable by law;
8. For costs of suit including attorneys fees; and
9. Any other and further relief that the Court deems just proper.

DATED: April 8, 2011

PINES & ASSOCIATES

/s/

By: Michael T. Pines, Esq.

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Anthony

**DEFENDANTS**

Gladstone

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pines and Associates

Michael T. Pines

701 Palomar Airport Rd., Ste. 300

Attorneys (If Known)

**'11CV0740 BEN WVG****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |  | PTF                        | DEF                        |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. § 1030

Brief description of cause:

Computer Fraud and Abuse Act

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE William HayesDOCKET NUMBER 3:11-00474

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 9, 2011

/s/ Michael T. Pines

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_